

- IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

5. Pursuant to 28 U.S.C. § 1446(a), copies of the Summons, Class Action Complaint, Civil Cover Sheet, Preliminary Objections, and Amended Class Action Complaint, the only process, pleadings, or orders served in this action, are attached hereto as Exhibit A.

6. Plaintiff served Highmark with the Amended Class Action Complaint on April 5, 2013.

7. Accordingly, this Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which Highmark was served with the Complaint. *See* 28 U.S.C. § 1446(b).

8. The Court of Common Pleas of Cambria County is located within the Western District of Pennsylvania; therefore, venue is proper. *See* 28 U.S.C. § 1441(a).

9. No previous application has been made for the relief requested herein.

10. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, in that it purports to state claims arising under the Constitution, laws, or treaties of the United States.

11. Specifically, the Complaint purports to state claims under Fair Labor Standards Act, 29 U.S.C. § 201, *et. seq.* (Complaint ¶¶ 118-127).

12. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal of this action is being immediately filed with the Court of Common Pleas of Cambria County. *See* Exhibit B.

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on counsel for Plaintiff.

WHEREFORE, Defendant Highmark gives notice that this action is removed from the Court of Common Pleas of Cambria County to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

REED SMITH LLP

s/ Richard L. Etter

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Counsel for Defendant Highmark Inc.

Dated: April 18, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was served this date on counsel for Plaintiff by United States mail, first class and postage prepaid, addressed as follows:

Ronald P. Carnevali, Jr., Esq.
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s/ Richard L. Etter
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Dated: April 18, 2013